

16 SEPTEMBER 1947

I N D E X  
Of  
WITNESSES

Defense' Witnesses

Page

IIMURA, Minoru (recalled)	28517
Direct by Mr. SUGAWARA	28517
(Witness excused)	28520
IWAMATSU, Goro (recalled)	28523
Direct by Mr. McManus	28523
Cross by Mr. Brown	28530
(Witness excused)	28532
YOKOMIZO, Mitsuteru	28533
Direct by Mr. SUGAWARA	28533
(Witness excused)	28537
KOMURA, Sakahiko	28541
Direct by Mr. SUGAWARA	28541

MORNING RECESS

28543

(Witness excused)	28544
TOMITA, Kenji	28545
Direct by Mr. SUGAWARA	28545
(Witness excused)	28550
NAKAJIMA, Torakichi	28553
Direct by Mr. SUGAWARA	28553
(Witness excused)	28559

16 SEPTEMBER 1947

I N D E X  
of  
WITNESSES  
(cont'd)

<u>Defense' Witnesses</u>	<u>Page</u>
MATSUYAMA, Tsunejiro	28560
Direct by Mr. SUGAWARA	28560
(Witness excused)	28562
MATSUMOTO, Takizo	28563
Direct by Mr. SUGAWARA	28563
<u>NOON RECESS</u>	28565
AIZAWA, Makoto	28602
Direct by Mr. Warren	28602
Cross by Judge Nyi	28607

16 SEPTEMBER 1947

I N D E X  
of  
EXHIBITS

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidenc</u>
2095	3171		Affidavit of YOKOMIZO, Mitsuteru		28536
1914	3172		Affidevit of TOMITA, Kenji		28545
2494	3173		Affidavit of NAKAJIMA, Torakichi		28556
1819	3174		Minutes of a Privy Council Meeting held on 30 January 1932		28579
	3175		Pamphlet entitled "Pre- ceedings of the Education Council	28584	
2281	3175-A		Excerpt therefrom		28584
			<u>AFTERNOON RECESS</u>		28586
2098	3176		Affidavit of AIZAWA, Makoto		28603



1 Tuesday, 16 September 1947

2 - - -

3  
4 INTERNATIONAL MILITARY TRIBUNAL  
5 FOR THE FAR EAST  
6 Court House of the Tribunal  
7 War Ministry Building  
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,  
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, all Members sitting, with  
14 the exception of: HONORABLE JUSTICE R. B. PAL, Member  
15 from India and HONORABLE JUSTICE HENRI BERNARD, Member  
16 from the Republic of France, not sitting from 0930 to  
17 1600.

18 For the Prosecution Section, same as before.

19 For the Defense Section, same as before.

20 - - -

21 (English to Japanese and Japanese  
22 to English interpretation was made by the  
23 Language Section, IMTFE.)  
24  
25



K  
a  
p  
l  
e  
a  
u  
&  
K  
n  
a  
p  
p

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now in session.

THE PRESIDENT: With the permission of the Tribunal, the accused HOSHINO will be absent from the courtroom conferring with his counsel for the whole of the day.

Major Moore.

MAJOR MOORE: If the Tribunal please, exhibit 3164, record page 28,360, lines 11 to 20, a section taken from pages 83 and 84 of the original Japanese has been referred. We recommend that the translation be approved.

The attention of the Tribunal is called to the fact that the first line is a phrase taken from the previous paragraph and the remainder is one paragraph.

THE PRESIDENT: Mr. McManus.

MR. McMANUS: At this time, if the Tribunal pleases, I should like to tender defense document No. 535, which is a speech made by Baron ARAKI at the Karuizawa Cultural Summer School. It tends to explain the accused ARAKI's ideas on "Bushido" and is offered for the purpose of refuting the charges that the accused ARAKI inculcated into the minds of students ideas of aggression and promoted world domination.

THE PRESIDENT: Mr. Brown.

1 MR. BROWN: Your Honor, the prosecution ob-  
2 jects to this document on the ground that it is ir-  
3 relevant. The heading at the top of the document gives  
4 the summary of its contents, and it is suggested that  
5 the contents are clearly irrelevant.  
6

7 MR. McMANUS: If your Honor pleases, it clear-  
8 ly depicts the ideology of the accused ARAKI, and I  
9 think in view of the charges, such as inculcation into  
10 the minds of young officers and students, that it is  
11 quite relevant.

12 THE PRESIDENT: The meaning of "Bushido" is  
13 not an issue, of course.

14 By a majority the objection is sustained and  
15 the document rejected.

16 MR. McMANUS: At this time, if the Tribunal  
17 pleases, I should like to tender defense document  
18 1824 which is another address by the accused ARAKI,  
19 made at the same place. The title of it is "Object  
20 of War by General ARAKI, Sadao."

21 THE PRESIDENT: Mr. Brown.

22 This is on the object of any war at all, is  
23 it?  
24

25 MR. McMANUS: Yes, your Honor. It is offered  
for the purpose of showing the ideology of the accused  
ARAKI.

1 MR. BROWN: Your Honor, the prosecution ob-  
2 jects to this document on the ground that it is  
3 irrelevant. It contains merely the gist of the lec-  
4 ture, it suggests that the editor is responsible for  
5 the wording, and it is on the question of how any war  
6 should be waged.

7 MR. McMANUS: Concerning the objection that  
8 it is the wording of the editor, if your Honor pleases,  
9 I call to the Tribunal's attention that I endeavored  
10 to have this document -- this was one of the documents  
11 that I intended to have identified by the accused  
12 ARAKI and also by the witness NAKAMURA.

13 MR. BROWN: May I say, your Honor, the  
14 prosecution does not dispute the authenticity. The  
15 other objection remains.

16 MR. McMANUS: I can only reiterate, if the  
17 Court pleases, that it is relevant in my opinion. As  
18 I stated before, it depicts the ideology of the ac-  
19 cused ARAKI.

20 THE PRESIDENT: By a majority the objection  
21 is sustained and the document rejected.

22 MR. McMANUS: I now tender, for the same pur-  
23 pose, defense document 1867 which is an address by  
24 the accused ARAKI, delivered in 1929 to the Sixth  
25 Division on the occasion of its last maneuvers. This



1 document is also tendered for the purpose, as stated  
2 before, of refuting the charges of inculcating  
3 aggression into the minds of young officers, and I  
4 call to the Tribunal's attention that this address  
5 was made to troops.

6 THE PRESIDENT: Mr. Brown.

7 MR. BROWN: Your Honor, the prosecution ob-  
8 jects to this document on the grounds that it is also  
9 irrelevant. It is a general address to troops, tell-  
10 ing them how they should behave.

11 THE PRESIDENT: Does it tell them they should  
12 observe the Geneva Convention and such like provisions?

13 MR. BROWN, No, your Honor.

14 MR. McMANUS: Not in specific terms, if the  
15 Court pleases, but I think from the contents such can  
16 be inferred.

17 THE PRESIDENT: It talks about never-failing  
18 victory and glorious history and things like that.

19 By a majority the objection is sustained and  
20 the document rejected, mainly on the ground of ir-  
21 relevance and immateriality, as far as I can judge.

22 MR. McMANUS: The next document tendered by  
23 the defense, if the Tribunal pleases, is 1868. It is  
24 in the same category as the last one, but I should  
25 like to tender it for purposes of record.

1 THE PRESIDENT: Mr. Brown.

2 MR. BROWN: Your Honor, the prosecution ob-  
3 jects to this document as irrelevant. It was delivered  
4 in 1929 by ARAKI when he was Divisional Commander and  
5 it is in general terms about the relationship between  
6 the army and the local people, the attitude that  
7 soldiers should adopt to ex-soldiers, and the execu-  
8 tion of business. It is suggested that all these  
9 topics are irrelevant.  
10

11 THE PRESIDENT: Mr. McManus.

12 The objection is sustained and the document  
13 rejected.

14 MR. McMANUS: I should now ask, if the Tri-  
15 bunal pleases, to present my co-counsel, Mr. SUGAWARA,  
16 who will call the witness IIMURA. Defense document  
17 2226.

18 THE PRESIDENT: Counselor SUGAWARA.  
19  
20  
21  
22  
23  
24  
25

1 MINORU IIMURA, recalled as a witness on  
2 behalf of the defense, having been previously  
3 sworn, testified through Japanese interpreters  
4 as follows:

5 THE PRESIDENT: You are still on your former  
6 oath.

7 MR. SUGAWARA: May the witness be shown de-  
8 fense document 2226.

9 DIRECT EXAMINATION

10 BY MR. SUGAWARA:

11 Q Is that the affidavit you have made out?

12 A Yes, it is.

13 Q Is there no correction to be made?

14 A No.

15 MR. SUGAWARA: I now tender defense document  
16 2226 in evidence.

17 THE PRESIDENT: Mr. Brown.

18 MR. BROWN: Your Honor, the prosecution ob-  
19 jects to the whole of this affidavit as irrelevant.  
20 It deals entirely with the question of character.  
21  
22  
23  
24  
25



1 MR. SUGAWARA: Language Section, I will read  
2 the refutation I prepared, No. 1.

3 Our learned friend of the prosecution has  
4 endeavored to show the Tribunal that ARAKI inculcated  
5 into the mind of young officers and the people the  
6 principle of aggression and world domination and pre-  
7 sented several evidences to this purpose.

8 This is exactly where the difficulty arises  
9 for defense, inasmuch as an excerpt of a part of a long  
10 speech or writing tends to give a false impression and  
11 is apt to divert from the original intention of the  
12 speaker or the writer, which could be thoroughly under-  
13 stood only when the whole speech or written article was  
14 read.

15 Especially in a rhetoric expression in Japanese,  
16 which ARAKI was fond of introducing into his speeches,  
17 something which meant almost nothing, or an ordinary  
18 meaning, could appear to mean, when replaced word by  
19 word in English, something very drastic.

20 The difficulty in getting authentic witness or  
21 evidence to testify the numerous speeches that defen-  
22 dant ARAKI is supposed to have made is further inten-  
23 sified by the fact that all of those speeches took  
24 place more than ten years ago.

25 Under the circumstances, what we intend to

show to the Tribunal is what was defendant ARAKI's ideology or thought. Was ARAKI really of the principle of aggression and world domination? While admitting that a man of one principle could intentionally advocate another, if circumstances so require, we respectfully wish to say, would it have been possible for a man of ARAKI's position and standing to inculcate anything which was just the contrary to what he had always been advocating for many years in the past?

We desire to show the principle and ideology with which ARAKI had been consistent throughout all of his speeches and writings. This will also be supported by those who had spent most of their public life with ARAKI and who had been acquainted with his principle and thought.

It is inevitable, much to our regret, that the evidence of this type and method is aptly confused with and taken as character evidence. We respectfully wish the Tribunal's indulgence to permit us the presentation of this evidence, which, although it may appear to be a kind of character evidence, is in fact an important indicator to the principle and ideology of KODO (Imperial Way), which was fundamentally different from militarism and aggressionism, and with which ARAKI has been consistent throughout his life. Our last

1 submission is that in the Tribunal of this type an  
2 evidence to ideology should be differently treated from  
3 that to character.

4 THE PRESIDENT: By a majority the objection is  
5 sustained and the document rejected.

6 MR. SUGAWARA: Mr. McManus will continue with  
7 the presentation of evidence.

8 MR. McMANUS: May the witness be released on  
9 the usual terms?

10 THE PRESIDENT: He is released accordingly.

11 (Whereupon, the witness was excused.)

12 MR. McMANUS: I now tender defense document  
13 268, which contains excerpts from the accused ARAKI's  
14 publication entitled Youth and Culture. It is tendered  
15 for the same purpose as heretofore stated concerning  
16 the ideology of the accused.

17 THE PRESIDENT: Mr. Brown.

18 MR. BROWN: Your Honor, the prosecution objects  
19 to this document on the ground that it is irrelevant.  
20 It consists of advice to young men on how to behave,  
21 and two pages advocating Knightly Benevolence.

22 THE PRESIDENT: Mr. McManus, this seems to be  
23 covered by the earlier decisions.

24 MR. McMANUS: I have no other.

25 THE PRESIDENT: As regards this, the question



1 for us is, What did the Japanese soldiers do? What  
2 opportunities had ARAKI to prevent them doing it?  
3 What steps did he take to prevent them? not what speeches  
4 he made about them.

5 MR. McMANUS: If your Honor pleases, the  
6 accused ARAKI is charged with having conspired to in-  
7 culcate ideas of aggression. The fact that he made  
8 such speeches is a direct refutation of the prosecu-  
9 tion's charge that he inspired young officers with ideas  
10 of aggression.

11 THE PRESIDENT: That is character evidence.  
12 The argument is that he was a man of good character;  
13 therefore he could not have done this. As one of my  
14 colleagues observes, this is more objectionable than  
15 other matter we have already rejected.

16 The objection is sustained and the document  
17 rejected.

18 MR. McMANUS: If your Honor pleases, the next  
19 defense document is in the same category. I shall  
20 merely offer it for the purposes of the record. It is  
21 defense document 1960.

22 THE PRESIDENT: Mr. Brown.

23 MR. BROWN: Your Honor, the prosecution ob-  
24 jects. I don't think it is necessary to add anything  
25 further.

1 THE PRESIDENT: The objection is sustained  
2 and the document rejected.

3 MR. McMANUS: I shall now request that the  
4 witness IWAMATSU Goro be recalled to the witness stand  
5 so that I may complete the reading of exhibit 2378.

6 THE PRESIDENT: Mr. Brown.

7 MR. BROWN: The prosecution objects to the  
8 portions which it is proposed to read on pages 5, 6,  
9 and 7. Apart from one statement of evidence which the  
10 prosecution does not challenge, it deals entirely with  
11 character.

12 I W A M A T S U, recalled as a witness on  
13 behalf of the defense, having been previously  
14 sworn, testified through Japanese interpreters  
15 as follows:

16 THE PRESIDENT: We will hear you further,  
17 Mr. McManus. We cannot recall this presently.

18 MR. McMANUS: If your Honor please, this  
19 witness was secretary to General KIMURA when he was  
20 Secretary Minister.

21 THE PRESIDENT: Was the whole document ad-  
22 mitted?

23 MR. McMANUS: Yes, it was admitted, if the  
24 Tribunal please.

25 THE PRESIDENT: Mr. Brown.

1 MR. McMANUS: If the Tribunal pleases, this  
2 document has already been admitted by the Tribunal.  
3 It is an exhibit -- 2378; and, at the time when the  
4 witness was on the stand, I requested leave to re-  
5 call the witness so that I could complete the reading  
6 as I had not completed it at that time because it did  
7 not deal with the certain portion of the case I was  
8 then putting in.

9 THE PRESIDENT: The witness is still on  
10 his former oath.

11 - - -

12 G O R O I W A M A T S U, recalled as a witness on  
13 behalf of the defense, having been previously  
14 sworn, testified through Japanese interpreters  
15 as follows:

16 THE PRESIDENT: We must hear you further,  
17 Mr. McManus. We cannot recall this instantly.

18 MR. McMANUS: If your Honor pleases, this  
19 witness was secretary to General ARAKI when he was  
20 Education Minister.

21 THE PRESIDENT: Was the whole document ad-  
22 mitted?

23 MR. McMANUS: Yes, it was admitted, if the  
24 Tribunal pleases.

25 THE PRESIDENT: Mr. Brown.



1 MR. BROWN: Your Honor, on page 18,538  
2 of the record Mr. McManus stated that he did not  
3 intend to read the entire document at that time.  
4 That was, therefore, not the time to take objection  
5 to this part. To go back to the exhibit, the third  
6 paragraph on page 5 contains -- repeats evidence which  
7 has already been given. There is, in fact, another  
8 document which has been served on us stating exactly  
9 the same fact again, and the remaining portions deal  
10 entirely with character.

11 THE PRESIDENT: Well, how much do you in-  
12 tend to read, Mr. McManus?

13 MR. McMANUS: From the top of page 5, if  
14 the Tribunal pleases, and page 6 including the  
15 second paragraph on page 7.

16 THE PRESIDENT: Well, apparently there is  
17 no objection to that.

18 (Whereupon, Mr. Brown approached  
19 the lectern.)

20 Now, Mr. Brown, we must be fair in this  
21 matter. You did not object to this document when  
22 it was first tendered. You read it. You knew what  
23 was in it, and you must have believed some of it  
24 was admissible. Now I am asking you to state what  
25 it is, and you object to the lot.

1 MR. BROWN: Your Honor, this part was not  
2 previously objected to because it was not previously  
3 proposed to read it.

4 THE PRESIDENT: The objection is not to  
5 reading but to the thing going into evidence. We  
6 do not admit anything inadmissible because it is  
7 not going to be read. If we admit a thing, we  
8 make it evidence whether we read it or not, and we  
9 could read it although it is not read in court.

10 Read the part you propose to read. It  
11 doesn't follow that we will regard it as having  
12 probative value.

1           MR. McMANUS: I shall start at the begin-  
2           ning of the second paragraph on page 5, your Honor:

3           "Before the General became Educational Min-  
4           ister there was an attempt by the Japanese Govern-  
5           ment to promote an exchange of goodwill between  
6           Germany and Japan. This program was carried out to  
7           the extent of sending young men to Germany, and Ger-  
8           many in return would send some of her young men to  
9           Japan. When Baron ARAKI became Education Minister  
10          the group of Japanese youths who had left previously  
11          for Germany returned. ARAKI, as Education Minister,  
12          met them eventually and he expressed this opinion  
13          to me:

14          "'I regret that these young men returned  
15          home with Nazi influence, I do not like our young  
16          men being imbued with Nazi principles. If this pro-  
17          gram is to continue in the future it will be my sug-  
18          gestion that these young men going to Europe again  
19          should visit not only Germany but England and France  
20          as well.'

21          "On the occasion when the German-Japanese  
22          Culture Agreement was signed, Minister ARAKI wanted  
23          me to devise some plan or means to conclude this  
24          agreement to cover not only Germany but as many other  
25          nations who might express some interest in the program.



1           "When Baron ARAKI was the Education Minister  
2 he stated to me on one occasion an opinion that if a  
3 nation became a first class country by strength of  
4 armed forces it would not last long. A nation to be-  
5 come a first class country had to do so by virtue of  
6 culture. He encouraged the study of science and  
7 personally negotiated with the Finance Ministry to  
8 obtain an extra allowance of 3,000,000 Yen annually  
9 for the study of basic science in colleges and univer-  
10 sities. He respected technical education and on all  
11 occasions listened to the opinion of business men.  
12 It was his desire to carry out vocational education  
13 to a great extent and in this respect he looked toward  
14 business circles.

15           "During the China Incident a few of his in-  
16 terests, expressions and actions vividly remain with  
17 me. On one occasion there was public clamor to the  
18 effect that the art exhibition and the teaching of  
19 the English language in schools should be abolished.  
20 He was definitely opposed to this suggested re-  
21 striction and stated that the culture of a nation is  
22 not the kind to be temporarily stopped.

23           "Concerning the suggestion of the abolition  
24 of the English language teaching, he was of the opinion  
25 that it might have originated from an anti-foreign

1 principle and he expressed the opinion to me, quoting  
2 one of the Emperor MEIJI's five oaths, that Japan  
3 should not indulge in a superior complex of its own,  
4 nor flatter itself that it is superior to others.  
5 The Japanese public, he said, must become such as to  
6 be admired, loved and respected by all without asking  
7 other people to do so; and that the study of English  
8 not only should it not be abolished but it should be  
9 encouraged and that students should have the determi-  
10 nation to learn more languages if possible. He  
11 brought to the attention of the students that Britian  
12 and the United States were studious enough to study  
13 the Japanese language and he suggested that if this  
14 were the attitude of great nations Japan must follow  
15 them.  
16

17 "Minister ARAKI, when he was Education Min-  
18 ister, advocated most sincerely the policies of the  
19 late Emperor MEIJI, first, that Japan should not be  
20 a nation of Fascism, then again that Japan should  
21 apply itself more diligently to the study of Western  
22 civilization. Further, that the Japanese people should  
23 nourish the power of unbiased judgment and attain above  
24 all thingsthe culture of a nation which has been in  
25 existence for 2600 years.

"While he was Education Minister he advocated

1 and encouraged the education of the deaf and blind,  
2 referring frequently to the case of Madam Helen  
3 Keller. He was an ardent champion of loyalty. On  
4 one occasion I remember a group of Niseis visited  
5 him and requested his opinion as to what action  
6 should be taken by them in the event of a future  
7 struggle between Japan and other countries. He ad-  
8 vised them that their first duty was to the country  
9 of their birth. However, he further stated that if  
10 they felt reluctant to engage in any conflict with  
11 the country of their ancestors that they should do  
12 all that they possibly can to prevent any such un-  
13 fortunate happening and to try to iron out any mis-  
14 understanding which might arise. I was deeply im-  
15 pressed and respected him sincerely for his opinion."  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



1 THE PRESIDENT: Mr. Brown, do you really  
2 think you ought to cross-examine? I am quite sure  
3 that, had you not allowed that document to go in  
4 without objection, it would have been rejected on  
5 objection.

6 MR. BROWN: Your Honor, I do not wish to  
7 cross-examine except to ask the witness whether  
8 he has yet found the document which he undertook  
9 to produce the last time he appeared here as a  
10 witness.

11 CROSS-EXAMINATION

12 BY MR. BROWN:

13 Q Have you brought that document with you,  
14 Mr. IWAMATSU?

15 A I handed it to the defense counsel.

16 Q When?

17 A Some time after the last time I appeared  
18 in this court.

19 THE PRESIDENT: Which one? Which counsel?

20 THE WITNESS: I handed it in at the office  
21 of Mr. McManus.

22 Q Did you hand it to a Japanese person?

23 A Yes.

24 THE PRESIDENT: Yes, Mr. McManus.

25 MR. McMANUS: Your Honor please, my co-

1 counsel states that he has the document but not with  
2 him. But he shall submit it to the Court at the  
3 first opportunity. It is at his home, I understand.

4 THE PRESIDENT: Well, I don't know whether  
5 that calls for comment or not by the Tribunal. I  
6 cannot recall instantly all the circumstances.

7 MR. COMYNS CARR: Your Honor, the circum-  
8 stances were that in the course of cross-examination  
9 by me he said that he had a document which would  
10 prove a certain fact. He then produced a document  
11 which he had with him in the waiting room, and it  
12 turned out not to prove the fact at all. Then he  
13 said that he had the real document at home and would  
14 produce it.

15 THE PRESIDENT: Not to produce this further  
16 document may possibly be to suppress evidence of  
17 lack of credibility.

18 MR. COMYNS CARR: Your Honor, I do not know  
19 what is in it, and I should not like to make any  
20 accusation against anybody without seeing it.

21 MR. McMANUS: If your Honor pleases, I can  
22 assure the Tribunal, from my co-counsel, that the  
23 document will be produced as expeditiously as pos-  
24 sible and that, furthermore, I will have Mr.  
25 IWAMATSU here for any further interrogation or any

1 comment that the prosecutor might like to make con-  
2 cerning the document. I am sorry that this happened  
3 at this time, but I was not aware of it.

4 THE PRESIDENT: If his credibility was  
5 questioned by the prosecution, that document should  
6 settle it one way or the other, and it has not been  
7 produced. Now he is in the box.

8 MR. McMANUS: Your Honor, I can do nothing  
9 more than to advise the Court that I will produce  
10 the document that my co-counsel has, which he claims  
11 is the document, as soon as possible.

12 MR. COMYNS CARR: Your Honor, I suggest  
13 the most convenient thing would be to postpone the  
14 matter until I have had the opportunity of seeing  
15 the document, and I would like to reserve the right  
16 to cross-examine the witness further, if necessary,  
17 after I have seen it.

18 THE PRESIDENT: Well, he is released again  
19 on the usual terms.

20 (Whereupon, the witness was ex-  
21 cused.)

22 MR. McMANUS: At this time, if the Tribunal  
23 pleases, I call upon my co-counsel, Mr. SUGAWARA to  
24 introduce document 2095 which is an affidavit of  
25 the witness, YOKOMIZO.



1 MITSUTERU YOKOMIZO, called as a  
2 witness on behalf of the defense, being first  
3 duly sworn, testified through Japanese inter-  
4 preters as follows:

5 DIRECT EXAMINATION

6 BY MR. SUGAWARA:

7 Q State your name, please.

8 A YOKOMIZO, Mitsuteru, care of TOYAMA, 221  
9 Tsukimida, Hodogaya-ku, Yokohama.

10 Q Now, you will be shown defense document  
11 2095. Tell the court if it is your affidavit --  
12 2095.

13 (Whereupon, a document was handed  
14 to the witness.)

15 Q Are the contents therein true and correct?

16 THE INTERPRETER: The witness answered,  
17 "Yes, this is my affidavit."

18 A They are true.

19 MR. SUGAWARA: I tender defense document  
20 2095 in evidence.

21 THE PRESIDENT: Mr. Brown.

22 MR. BROWN: Your Honor, the prosecution  
23 objects to this document on the ground that it is  
24 irrelevant. Apart from a short description of the  
25 object with which the National Mobilization Com-

1 mittee was set up, at the bottom of the first page,  
2 it deals mainly with the structure of that commit-  
3 tee, with ARAKI's character, and there is a short  
4 statement at the end about the Cabinet records  
5 which, your Honor --

6 MR. SUGAWARA: I do not know whether the  
7 prosecution is charging that ARAKI was Chairman of  
8 the National Spiritual Mobilization Movement --  
9 Committee or whether, as Mr. Comyns Carr pointed  
10 out, they are charging that Mr. ARAKI was Chairman  
11 of the National Mobilization Committee. The two  
12 offices of Chairman of the National Spiritual Mobi-  
13 lization Committee and that of Chairman of the  
14 National Mobilization Committee, which was founded  
15 under the terms of the National Mobilization Law,  
16 are quite different; and, if the prosecution is  
17 charging that ARAKI was Chairman of the National  
18 Mobilization Committee, there is really no need  
19 for me to say anything further. If they are  
20 charging that he was Chairman of the National  
21 Spiritual Mobilization Committee, this witness was  
22 the General Secretary of that committee. And we  
23 believe that under those circumstances it is the  
24 natural duty of the defense to prove that this  
25 National Spiritual Mobilization Movement was none

1 than a movement to promote the people's livelihood.

2 THE PRESIDENT: Well, what are you contend-  
3 ing, Mr. Brown?

4 MR. BROWN: I should have added that the  
5 last paragraph deals with general matters which  
6 should, if anything, have been introduced during  
7 the general phase; and I should have said, your  
8 Honor, National Spiritual Mobilization Committee.  
9 It was simply a slip of the tongue. There was no  
10 allegation, it was otherwise: National Spiritual.

11 MR. SUGAWARA: I should like to be permit-  
12 ted to state a word concerning the last paragraph.  
13 This witness was Chief of the General Affairs of  
14 the Cabinet Secretariat when General ARAKI was War  
15 Minister. The prosecution has made an issue out of  
16 the records of the Cabinet meetings of those days.  
17 The defense contended yesterday that General ARAKI  
18 presented to Premier SAITO the so-called "Emergency  
19 Policies." This witness is the only one who can  
20 tell us how these records were disposed of in the  
21 Cabinet Secretariat. Especially, the prosecution  
22 has presented much evidence alleging that they were  
23 records of Cabinet meetings, but it is a matter of  
24 common knowledge among the Japanese that records of  
25 Cabinet meetings are not always kept, and I wish to  
prove this point through this witness.



1 THE PRESIDENT: Are you making any allega-  
2 tions in respect of this National Spiritual Mobiliza-  
3 tion movement, Mr. Brown?

4 MR. BROWN: No, your Honor.

5 THE PRESIDENT: None at all.

6 MR. BROWN: That is right.

7 THE PRESIDENT: Not merely that ARAKI was  
8 associated with it but no allegation of any kind?

9 MR. BROWN: No, your Honor.

10 THE PRESIDENT: Then there is nothing to meet.

11 By a majority the objection is sustained  
12 in part. We admit the last paragraph dealing with  
13 the cabinet records but reject the balance. That part  
14 is admitted on the usual terms.

15 CLERK OF THE COURT: Defense document  
16 No. 2095 will receive exhibit No. 3171.

17 (Whereupon, the document above  
18 referred to was marked defense exhibit  
19 No. 3171 and received in evidence.)

20 MR. SUGAWARA: I shall commence reading the  
21 document:

22 "Next I shall relate about the documents  
23 discussed at the cabinet meetings.

24 "I was the Chief of General Affairs of the  
25 Cabinet Secretariat at the INUKAI and SAITO cabinets,

1 to both of which Mr. ARAKI was War Minister, and so  
2 I was responsible for keeping in record the documents  
3 discussed at the cabinet meetings and subsequently  
4 passed to the Secretariat for safekeeping. The de-  
5 cision at the cabinet meetings was not necessarily done  
6 on documents, a considerable part of it was done ver-  
7 bally. Moreover, quite a number of documents on  
8 which decision had been made at the meeting was not  
9 given to the Secretariat for safekeeping. It was not  
10 a customary practice to make record of the cabinet  
11 meetings."

12 THE PRESIDENT: Any cross-examination?

13 MR. BROWN: No, your Honor.

14 THE PRESIDENT: The witness is discharged on  
15 the usual terms.

16 (Whereupon, the witness was excused.)

17 THE PRESIDENT: Mr. McManus.

18 MR. McMANUS: At this time, I the Tribunal  
19 please, I tender document 1823, which is an address by  
20 General ARAKI to Chiang Kai-shek showing that ARAKI  
21 was endeavoring to promote free and more intimate re-  
22 lations between Japan and China.

23 THE PRESIDENT: Mr. Brown.

24 MR. BROWN: Your Honor, the prosecution objects  
25 to this document on the ground that it is irrelevant.

1 It deals as my learned friend has said with an  
2 address to Mr. Chiang Kai-shek, goes on to say that  
3 the speaker hopes for the prosperity of the East and  
4 the peace of the world, states that Japan has much  
5 to contribute by way of saving Western culture and  
6 suggests that the Chinese and the Japanese should  
7 assist in this, and states, lastly, that the speaker  
8 is deeply grieved that the Sino-Japanese problems  
9 have come to such a pass.

10 THE PRESIDENT: Mr. McManus.

11 MR. McMANUS: May I call your Honor's  
12 attention to Section 6, Appendix A of the Indictment,  
13 the very last paragraph which states briefly: "The  
14 educational systems, civil, military and naval, were  
15 used to inculcate a spirit of totalitarianism, aggres-  
16 sion, desire for war, cruelty and hatred of potential  
17 enemies." This is included in many counts of the  
18 Indictment, if the Court pleases, and it is the  
19 prosecution's contention that ARAKI comes under this  
20 particular charge.

21 I would like to make it clear to the Tribunal  
22 that it is in refutation of this that I am offering  
23 all these talks, speeches and ideolog: s of ARAKI;  
24 consequently, it is my contention that it is clearly  
25 relevant and I disagree with the learned prosecutor.



1 THE PRESIDENT: Was this a letter written  
2 to Chiang Kai-shek or something in the nature of an  
3 open letter that he may never have seen?

4 MR. McMANUS: It was an open letter, if the  
5 Tribunal pleases.

6 THE PRESIDENT: Propaganda.

7 By a majority the objection is sustained and  
8 the document rejected.

9 MR. McMANUS: I now tender defense document  
10 1881, which is a statement by Minister of State ARAKI  
11 made in 1939 showing his advocacy of cultural agree-  
12 ments with other countries other than Germany alone.

13 THE PRESIDENT: Mr. Brown.

14 MR. BROWN: Your Honor, the prosecution  
15 objects to this document as irrelevant.

16 THE PRESIDENT: Yes. How is this relevant,  
17 Mr. McManus.

18 MR. McMANUS: If your Honor pleases, it  
19 shows that ARAKI, as claimed by the prosecution, in-  
20 culcated ideas of aggression and it corroborates  
21 Mr. IWAMATSU's statement which I just read this  
22 morning from defense document 650.

23 It has been called to my attention, your  
24 Honor, that I just stated that ARAKI advocated aggres-  
25 sion. Of course, that was a slip of the tongue. I

meant just the opposite.

1 THE PRESIDENT: By a majority the objection  
2 is sustained and the document rejected.

3 MR. McMANUS: I now present my co-counsel,  
4 Mr. SUGAWARA.

5 THE PRESIDENT: Mr. SUGAWARA.

6 MR. SUGAWARA: I should like to question  
7 the witness KOMURA, Sakahiko.

8 I call the witness KOMURA.  
9

10 - - -

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 S A K A H I K O K O M U R A, called as a witness  
2 on behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as fol-  
4 lows:

5 DIRECT EXAMINATION

6 BY MR. SUGAWARA:

7 Q Witness, will you state your name to the  
8 Court, please?

9 A KOMURA, Sakahiko.

10 Q What is your address?

11 A 1910 Kichijoji Kitatama-gun, Tokyo.

12 Q Witness, you will be shown defense document  
13 2135. Will you examine it and state whether it is  
14 your affidavit or not?

15 A This is my affidavit.

16 Q Is it a correct affidavit?

17 A Yes, it is true and correct.

18 MR. SUGAWARA: I tender defense document 2135  
19 in evidence.

20 MR. BROWN: Your Honor, the prosecution ob-  
21 jects to this document, which appears to deal with  
22 nothing but character.

23 MR. SUGAWARA: Although I have already spoken  
24 on the question of ideology, I should like to be per-  
25 mitted to say one word in connection with this document.



1           The prosecution in this case has taken up the  
2 question of ideology. The Chief Prosecutor, Mr. Keenan,  
3 has employed the phrase "dangerous or harmful ideolo-  
4 gies." In Mr. Hammack's opening statement words to  
5 the same effect were also used, and he has also charged  
6 that ARAKI propagated, taught and instigated aggressive  
7 ideologies. On the 21st of June 1946 Mr. Donihi employ-  
8 ed words to the effect that the movie shown by the pros-  
9 ecution, "Emergency Japan," was considered by the pros-  
10 ecution to be propaganda of the very worst type. In  
11 connection with education, the three prosecution wit-  
12 nesses, OUCHI, TAKIKAWA AND IKESHIMA, all practically  
13 using the same language, charged that ARAKI strengthen-  
14 ed military education, although we later disproved this  
15 through cross-examination. Concerning inculcation of  
16 aggressive ideologies, the Soviet Prosecutor, Mr.  
17 Golunsky, said that ARAKI and others instigated aggres-  
18 sive ideas into the young officers. To sum this all  
19 up, it adds to the fact that the prosecution is charg-  
20 ing that ARAKI instigated, propagandized and inculcated  
21 aggressive principles and education.  
22

23           In rebutting this, the defense is saying that  
24 ARAKI neither taught, instigated nor propagated aggres-  
25 sive ideologies; that what ARAKI did propagate was not  
aggression, but "Kodo",, or the Imperial Way, which was

1 Japan's own intrinsic spiritual ideology, which is  
2 entirely contrary to the aggressive ideology.

3 Therefore, we believe that, in order to come  
4 to any judgment whatsoever it is necessary to determine  
5 whether "Kodo", or the Imperial Way was or was not an  
6 aggressive philosophy.

7 This witness has been associated with the  
8 defendant for a long time. He is well acquainted  
9 with ARAKI's attitude and thoughts at the time of the  
10 Pacific War and therefore it is my sincere belief that,  
11 without considering these matters, it is impossible  
12 to say offhand that ARAKI was an instigator of agres-  
13 sive principles, and therefore I find it difficult to  
14 understand why the prosecution should object to evi-  
15 dence of this type. I ask that the evidence of this  
16 witness be accepted.

17 THE PRESIDENT: The Court will recess for  
18 fifteen minutes.

19 (Whereupon, at 1050, a recess was  
20 taken until 1110, after which the proceedings  
21 were resumed as follows:)  
22  
23  
24  
25

D  
u  
d  
a  
&  
S  
p  
r  
a  
t  
t

1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: By a majority the objection  
4 is sustained and the document rejected.

5 The witness is discharged on the usual terms.

6 (Whereupon, the witness was excused.)

7 MR. SUGAWARA: As my next witness I call  
8 TOMITA, Kenji.

9 THE PRESIDENT: We should not have to wait  
10 for these witnesses for such length of time.

11 - - -  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



1 K E N J I T O M I T A, called as a witness on  
2 behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as  
4 follows:

5 DIRECT EXAMINATION

6 BY MR. SUGAWARA:

7 Q Witness, will you state your name?

8 A TOMITA, Kenji.

9 Q And what is your address?

10 A 3594 Hiratsuka, Hiratsuka City, Kanagawa  
11 Prefecture.

12 Q Witness, you will be shown defense document  
13 1914. Will you examine it and state whether it is  
14 your affidavit or not?

15 A This is undoubtedly my affidavit.

16 Q Are the contents correct?

17 A This is the affidavit I wrote before.

18 Q Are the matters you have written in there  
19 true and correct?  
20

21 A Yes, they are.

22 MR. SUGAWARA: I tender defense document  
23 1914.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Defense document No.  
1914 will receive exhibit No. 3172.

1 (Whereupon, the document above  
2 referred to was marked defense exhibit  
3 3172 and received in evidence.)

4 MR. SUGAWARA: I shall read the document.

5 "I, TOMITA, Kenji, make oath and say as  
6 follows:

7 "I was Chief Cabinet Secretary in the  
8 Second and Third KONOYE Cabinets.

9 "In the summer of 1940, some time after  
10 the formation of the Second KONOYE Cabinet, I went  
11 to General ARAKI by order of Premier KONOYE, to ask  
12 him to be a Cabinet Councilor, but he declined the  
13 offer.

14 "There were two reasons why General ARAKI  
15 declined the post of Cabinet Councilor. First, he  
16 opposed the establishment of the Imperial Rule As-  
17 sistance Association. Secondly, he opposed the con-  
18 clusion of the Tripartite Alliance between Japan,  
19 Germany and Italy.

20 "General ARAKI's opposition against the  
21 formation of the Imperial Rule Assistance Association  
22 was based on the following ground: The prevailing  
23 political partisans' attitude could not always be  
24 approved. But the Imperial Rule Assistance Associa-  
25 tion was said to aim at establishing one party for

1 the whole nation rejecting co-existence of different  
2 political parties. Probably it would lead to despotic  
3 autocracy, depriving every one of his freedom to  
4 express his own opinion. It would be against the  
5 spirit of the Constitution and Emperor MEIJI's in-  
6 tentions when he declared that all measures of govern-  
7 ment should be decided by public opinion. It would be  
8 a system contrary to the structure of the state and  
9 the august will of the Emperor. That was his reason  
10 for opposition. Later it was clarified that the  
11 Imperial Rule Assistance Association was not a  
12 political but a public association. But at that time  
13 that was not clear to the public. So was his opinion.

14 "He opposed the Tripartite Alliance between  
15 Japan, Germany and Italy from his original ideologi-  
16 cal standpoint that most of the Japanese leaders not  
17 only overestimated the real strength of Germany but  
18 it also confounded the idea of our KODO (The Imperial  
19 Way) with that of the German totalitarianism, and  
20 therefore that the alliance was misleading in clar-  
21 ification of Japan's real standpoint. Moreover, he  
22 absolutely opposed it from his professional military  
23 standpoint that it would lead to aggravating the  
24 feelings of America and Britain toward Japan with the  
25 resultant difficulty of settling the China Incident



1 so much so that it might probably become inevitable  
2 for Japan to wage war against America and England.  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 "He stated the Imperial Rule Assistance  
2 Association as a domestic problem and the Tripartite  
3 Alliance as an international problem were both  
4 extremely important for Japan. Conferences for  
5 settling these problems ought to have been conducted  
6 with utmost prudence. But as they had already been  
7 decided, his opinion could affect them no longer.  
8 Therefore, he said the post of a cabinet councillor  
9 was meaningless.

10 "Premier KONOYE's opinion is in fact the  
11 same as yours,' I said to him after hearing his opi-  
12 nions mentioned above, 'Though there are some who  
13 want to found the Imperial Rule Assistance Association  
14 on totalitarianism like Nazism, the Premier rejects  
15 it because it might be a revival of the Shogunate,  
16 contrary to the national structure of Japan. For the  
17 purpose of settling the China Incident at the earliest  
18 date possible, however, not existent political parties  
19 but a nation-wide organization is necessary to suppress  
20 the army. Such a national organization the Imperial  
21 Rule Assistance Association is aiming at. The Premier  
22 is far from considering the Tripartite Alliance as a  
23 means to hostilities against America and Britain as  
24 some people do. He fundamentally agrees with you,  
25 General ARAKI, as he has an ardent desire to settle

1 the China Incident as soon as possible. Therefore  
2 we earnestly ask you to accept the post of cabinet  
3 councillor by all means.'

4 "After all my efforts in negotiation, he said  
5 he was not self-confident, under the prevailing  
6 objective circumstances, and could not be persuaded  
7 to accept the post. From that time on public asso-  
8 ciation between Prince KONOYE and General ARAKI was  
9 discontinued for the time being, though private inter-  
10 course continued, I remember."

11 THE PRESIDENT: Mr. Brown.

12 MR. BROWN: There will be no cross-examination,  
13 your Honor.

14 THE PRESIDENT: The witness is discharged on  
15 the usual terms.

16 (Whereupon, the witness was excused.)

17 MR. SUGAWARA: Mr. McManus will continue  
18 for the defense.

19 THE PRESIDENT: Mr. McManus.

20 MR. McMANUS: I now tender defense document  
21 1923, which is an article by ARAKI in 1935 depicting  
22 the racial character and arts of Russia, and it is  
23 tendered to show that ARAKI advocated an all-out  
24 effort on the part of the Japanese people to understand  
25 Russia.



1 THE PRESIDENT: Mr. Brown.

2 MR. BROWN: Your Honor, the prosecution  
3 objects to this document as irrelevant. It deals  
4 with nothing but ARAKI's views on the racial character-  
5 istics known to the Russian people.

6 THE PRESIDENT: Yes, Mr. McManus.

7 MR. McMANUS: It is offered for the same  
8 purpose, if the Tribunal pleases, as other documents  
9 have been, in refutation of Chapter 6 in the Indictment,  
10 last paragraph.

11 THE PRESIDENT: By a majority, the objection  
12 is sustained and the document rejected.

13 MR. McMANUS: I now tender defense document  
14 1917. This is a speech by the accused ARAKI, made  
15 on July 11, 1938, in the city of Osaka on the current  
16 situation at the time of the China Incident. It is  
17 tendered for the purpose of refuting the charge of  
18 inculcation and also to show his tendency for peace  
19 between China and Japan.

20 THE PRESIDENT: Mr. Brown.

21 MR. BROWN: Your Honor, the prosecution  
22 objects to this document as totally irrelevant. The  
23 first page contains fleeting references to Nazism  
24 and Fascism, and apart from that expresses regret at  
25 Sino-Japanese relations.

1           The second page contains a dissertation on  
2 how to behave, and an exhortation to be honest.

3           The third page contains a long story about  
4 the offering of a half-smoked cigarette by a Japanese  
5 to a dead Chinese.

6           THE PRESIDENT: A dead one?.

7           MR. BROWN: Yes, your Honor. It is suggested  
8 that the document is totally irrelevant.

9           MR. McMANUS: It is tendered for the same  
10 purpose as the other documents have been submitted.

11          THE PRESIDENT: By a majority the objection  
12 is sustained and the document rejected.

13          MR. McMANUS: I shall now ask Mr. SUGAWARA  
14 to take the lectern with the Court's permission and  
15 present the witness NAKAJIMA, defense document 2494.

16          THE PRESIDENT: Mr. SUGAWARA.

17                   - - -  
18  
19  
20  
21  
22  
23  
24  
25

1 T O R A K I C H I N A K A J I M A, called as a  
2 witness on behalf of the defense, being first  
3 duly sworn, testified through Japanese inter-  
4 preters as follows:

5 DIRECT EXAMINATION

6 BY MR. SUGAWARA:

7 Q Witness, will you state your name?

8 A NAKAJIMA, Torakichi.

9 Q What is your address?

10 A 838, 2-chome, Kami Kitazawa-machi, Setagaya-ku,  
11 Tokyo.

12 Q You will be shown defense document 2494. Will  
13 you examine it and state whether it is your affidavit  
14 or not?

15 A This is unmistakably my affidavit.

16 Q Are the contents true and correct?

17 A They are true and correct.

18 MR. SUGAWARA: I offer in evidence defense  
19 document 2494.

20 THE PRESIDENT: Mr. Brown.

21 MR. BROWN: Your Honor, in the first place  
22 I am informed by the Language Division that this is a  
23 very bad translation.  
24

25 The prosecution objects to most of this  
affidavit. It is perhaps shorter to state the parts



1 to which we do not object.

2           The prosecution does not object to paragraph 10  
3 or paragraph 9. The first three pages, in our sub-  
4 mission, go purely to character; that is, up to  
5 and including paragraph 8. The remainder of the docu-  
6 ment, it is suggested, consists of character evidence,  
7 repetitive evidence, and irrelevant matter.

W  
O  
l  
f  
&  
L  
e  
f  
f  
r

1 THE PRESIDENT: Well, you are not objecting  
2 to 16, although it would be repetitive. Part of 16  
3 relates to the Tripartite Pact. We have enough of  
4 that I think.

5 MR. BROWN: Your Honor, the last witness, who  
6 so stated, was not challenged on that point by the  
7 prosecution. It therefore seems unnecessary to have  
8 it here.

9 THE PRESIDENT: Mr. SAGAWARA.

10 MR. SUGAWARA: As you have said, I would  
11 like to delete paragraph No. 16. The fact that the  
12 translation is not complete --

13 THE MONITOR: As the prosecution states, I  
14 regret that the translation has not been done suffic-  
15 iently.

16 MR. SUGAWARA (Continuing): However, the  
17 witness has nothing to do with this.

18 This witness was attached to the division in  
19 Kumamoto when the accused ARAKI was Division Commander.

20 THE MONITOR: The 6th Divisional Commander as  
21 a Major-General.

22 MR. SUGAWARA (Continuing): Therefore, this  
23 witness is well acquainted as to what attitude ARAKI  
24 took toward military education. This witness was a  
25 close friend of ARAKI and was a classmate of ARAKI

1 while they were attending the military cadet school,  
2 while all important matters ARAKI was connected with  
3 was discussed confidentially with this witness, who  
4 was a close friend.

5 THE PRESIDENT: Well, Mr. SUGAWARA, you need  
6 not debate these points at such great length.

7 I think a majority favors the admission of  
8 paragraphs 9, 10, and 12.

9 MR. SUGAWARA: I have asked this witness to  
10 testify to all matters which are included in the affi-  
11 davit because he was in a position to know about these  
12 things.

13 THE PRESIDENT: The question is not what his  
14 knowledge is, but whether what he says is relevant  
15 and material and has probative value.

16 By a majority, the objection is sustained in  
17 part but is overruled as regards those three paragraphs,  
18 9, 10, and 12, and the document, as to that extent, is  
19 admitted on the usual terms.

20 CLERK OF THE COURT: Defense document No.  
21 2494 will receive exhibit No. 3173.

22 (Whereupon, the document above  
23 referred to was marked defense exhibit  
24 No. 3173 and received in evidence.)  
25

MR. SUGAWARA: I shall read the document.



1 THE PRESIDENT: Paragraphs 9, 10, and 12 only.

2 MR. SUGAWARA (Reading):

3 "9. In Dec. of 1931 General ARAKI was  
4 appointed War Minister. As I was then living in Tokyo,  
5 I often called on him to hear him speak on various  
6 questions. He was then very much worrying over the  
7 Manchurian Incident. He said that there was a danger  
8 of it developing into an all out clash between Japan  
9 and China, if we should leave it to take its own  
10 course and as the League of Nations failed to grasp  
11 the truth of the situation because of the one-sided  
12 propaganda of the Chinese, I for myself should do my  
13 best to put an end to the armed fighting now going on,  
14 and to prevent the danger of an all-out clash between  
15 Japan and China. He then said to the effect that after  
16 that he would endeavor to see the League of Nations  
17 and the other Powers brought together to take the right  
18 cognizance of the situation.  
19

20 "10. He was also absolutely against Japan's  
21 seceding from the League of Nations. When I met him  
22 after Japan's secession, he said that at the Cabinet  
23 meeting a provision had been made for a non-withdrawal  
24 from the League but as a result of the proceedings of  
25 the Conference at Geneva withdrawal became a matter of  
necessity. Politics is a really difficult thing,

1 complained he.

2 "12. In January of 1934 he caught pneumonia.  
3 As his condition became quite serious he resigned his  
4 post as War Minister and became a patient in the  
5 sanatorium at Atami. I went to the sanatorium to  
6 inquire of his condition. He said: I am very sorry  
7 that I became ill at a very important moment. We are  
8 already out of the League. What I wished to do was  
9 to hold the opening of the Far Eastern conference  
10 in order to restore our co-operation with the Powers,  
11 but I became ill and found it impossible to take an  
12 active step in the Diet and elsewhere. This was the  
13 reason why I resigned, but I have my plans presented  
14 before the Prime Minister SAITO and other ministers  
15 by letters, and as for the army since HAYASHI, my  
16 successor, pledged to carry it out, I think that it  
17 will be realized."  
18

19 THE PRESIDENT: Now, does either side re-  
20 quire those paragraphs to be referred to the Language  
21 Section?

22 MR. BROWN: The prosecution, your Honor,  
23 requests that those paragraphs should be submitted to  
24 the Language Division.

25 THE PRESIDENT: They are referred accordingly.

MR. BROWN: Your Honor, the prosecution does

1 not intend to cross-examine this witness but refers  
2 the Tribunal, in connection with paragraph 9, to ex-  
3 hibits 187-A to 188-E, which begin on page 2,216, and  
4 in connection with paragraph 10, to exhibit 2222 on  
5 page 15,845 of the record.

6 THE PRESIDENT: The witness is discharged on  
7 the usual terms.

8 (Whereupon, the witness was excused.)

9 - - -

10 THE PRESIDENT: Mr. SUGAWARA.

11 MR. SUGAWARA: Next, I call MATSUYAMA  
12 Tsunejiro as my next witness.

13 THE PRESIDENT: What is the number of the  
14 document?

15 MR. SUGAWARA: 1913.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



1 T S U N E J I R O M A T S U Y A M A, called as a  
2 witness on behalf of the defense, being first  
3 duly sworn, testified through Japanese inter-  
4 preters as follows:

5 DIRECT EXAMINATION

6 BY MR. SUGAWARA:

7 Q Witness, will you state your name?

8 A MATSUYAMA, Tsunejiro.

9 Q And what is your address?

10 A 835 Sendagaya, 5-Chome, Shibuya-ku, Tokyo.

11 Q Witness, you will be shown defense document  
12 1913. Will you examine it and state whether it is your  
13 affidavit or not?

14 (Whereupon, a document was handed to the  
15 witness.)

16 A This is undoubtedly mine.

17 Q Are the contents therein true?

18 A They are true and correct.

19 MR. SUGAWARA: I tender into evidence defense  
20 document 1913.

21 THE PRESIDENT: Mr. Brown.

22 MR. BROWN: Your Honor, the prosecution objects  
23 to this document as irrelevant. It contains nothing  
24 but evidence of character, in our submission.

25 MR. SUGAWARA: The prosecution has charged

1 conspiracy and propaganda in relation to religious  
2 acts in Japan. This witness is being presented to show  
3 ARAKI's attitude towards religion.

4 THE PRESIDENT: What section of the Indictment  
5 do you rely upon?

6 MR. SUGAWARA: I do not recall the exact portion,  
7 but, if my memory is correct, I remember that the  
8 prosecution has charged that use was made of a mystic  
9 sort of religious fervor and of a one-sided stressing  
10 of Japan's superiority in regard to religion in order  
11 to inculcate aggressive ideologies.

12 THE PRESIDENT: Can you help us, Mr. Brown?  
13 You are familiar with the Indictment, the Particulars  
14 at all events. Religion is not mentioned in any Count,  
15 but there may be something in the Particulars.

16 MR. SUGAWARA: According to my recollection, I  
17 do remember that the witnesses presented by the prosecu-  
18 tion, who testified in connection with education, did  
19 say that Japan's mystic belief in supernatural power  
20 of her God was responsible for much of what happened.

21 THE PRESIDENT: Mr. Brown.

22 MR. BROWN: Your Honor, I have no recollection --  
23 I consulted also at the table -- The prosecution has  
24 no recollection of evidence of intolerance towards other  
25 religions.

1 THE PRESIDENT: The statement in Section 12  
2 of the Particulars relating to occupied territories.

3 By a majority the objection is sustained and  
4 the document rejected.

5 The witness is discharged on the usual terms.

6 (Whereupon, the witness was excused.)

7 - - -

8 MR. SUGAWARA: I call as my next witness,  
9 MATSUMOTO, Takizo.

10 THE PRESIDENT: Number of the document?

11 MR. SUGAWARA: 2493.  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



1 T A K I Z O M A T S U M O T O, called 'as a witness  
2 on behalf of the defense, being first duly sworn,  
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. SUGAWARA:

6 Q Witness, will you state your name?

7 A MATSUMOTO, Takizo.

8 Q What is your present occupation?

9 A Professor at Meiji University, Member of the  
10 House of Representatives, Parliamentary Vice-Minister  
11 of Foreign Affairs.

12 Q You will be shown defense document 2493. Will  
13 you examine it and state whether it is your affidavit  
14 or not?

15 (Whereupon, a document was handed to the  
16 witness.)

17 A This is undoubtedly mine.

18 Q Are the contents true and correct?

19 A Yes, they are.

20 MR. SUGAWARA: I tender into evidence defense  
21 document 2493.

22 THE PRESIDENT: Mr. Brown.

23 MR. BROWN: Your Honor, the prosecution objects  
24 to this document as irrelevant and repetitious.

25 MR. SUGAWARA: This witness will show not only

1 what ARAKI's thoughts were, but also his attitude at  
2 the time of the China Incident and at the time of the  
3 Pacific War.

4 THE PRESIDENT: Well, now, it is a short  
5 question. According to this affidavit, the accused  
6 ARAKI advised the Nisei's in America to be loyal to  
7 America. And ARAKI, according to the witness, never  
8 attempted any justification of the war between America  
9 and Japan. What relevance has that?

10 Now, we do not want a long statement about  
11 nothing in particular. Give us a reply to that.

12 MR. SUGAWARA: The fundamental principles  
13 underlying ARAKI's ideas can be found in his address  
14 to the Nisei's telling them to loyal to America. And  
15 also this witness shows that ARAKI bent every effort,  
16 vis-a-vis America, so that the Japanese-American con-  
17 flict would not break out.

18 THE PRESIDENT: By a majority the objection  
19 is sustained and the document rejected.

20 MR. SUGAWARA: Mr. McManus will continue with  
21 the presentation of evidence.

22 THE PRESIDENT: Mr. McManus.

23 MR. McMANUS: At this time, if the Tribunal  
24 pleases, I should like to offer defense document 573.  
25 This is a questionnaire or an interrogatory submitted

1 to Major-General F.S.G. Piggott, Military Attache to  
2 the British Embassy in Tokyo from 1921 to 1926, and  
3 1936 to 1939.

4 Before the Tribunal decides on this question,  
5 I should also like to call to the attention of the  
6 Tribunal that the replies of Major-General Piggott  
7 are contained in defense document 340, and that, if  
8 defense document 570 is admitted, it will have to be  
9 admitted in conjunction with and together with 340 so  
10 that they can be read simultaneously.

11 I also call to the attention of the Tribunal  
12 that defense document 573-B and 340-B merely denote  
13 the source and should be attached to these two documents.

14 THE PRESIDENT: Mr. Comyns Carr, we will hear  
15 any objection you may make after luncheon. We will  
16 adjourn until half-past one.

17 (Whereupon, at 1200, a recess was taken.)  
18  
19  
20  
21  
22  
23  
24  
25

- - -



## AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International  
Military Tribunal for the Far East is resumed.

THE PRESIDENT: With the Tribunal's permission, the accused HATA and KAYA will be absent from the courtroom for the whole of the afternoon, conferring with counsel.

Mr. Comyns Carr.

MR. COMYNS CARR: May it please the Tribunal, my learned friend has submitted document 573, a series of questions which it appears from the accompanying documents that he sent by post to two witnesses in England, one a journalist and the other the former military attache in the British Embassy. So far, he has only tendered the answers of the military attache.

So far as I can trace, the questions were never submitted to the Tribunal or to the prosecution before they were dispatched, and the answers are not on oath.

The main objection, however, is to the questions themselves, all of which, in our submission, are objectionable. The whole of them are really

1 directed simply to obtain answers relevant to the  
2 question of character, or to opinions expressed by  
3 him on various topics. They are divided into para-  
4 graphs.

5 Now, as for the information of the person  
6 to whom they are addressed, as to their acquaintance  
7 with him, whether they discussed the Manchurian  
8 situation, and whether they can state his views with  
9 regard to a vast number of questions --

10 "1-A. Whether or not he advocated at any  
11 time any policy or policies of expansion."

12 I will not read them all, but take G -- the  
13 British military attache's views are sought as to the  
14 extent of ARAKI's political activities, if any, and  
15 H -- the extent of his influence as War Minister on  
16 the individual limitations of the War Minister in  
17 carrying out the national policies of the Japanese  
18 Government. And sub-paragraph 2 invites general  
19 expressions of opinion about his public utterances.  
20 And sub-paragraph 5 invites general expression of  
21 opinion about his conduct as Education Minister;  
22 6, about his religious activities; and 7, do you know  
23 other people who know General ARAKI?, and invites  
24 general opinion as to his reputation.

25 In our submission, no answers obtained to

1 questions such as that could be admissible, even if  
2 they were on oath.

3 THE PRESIDENT: Did you notice what General  
4 Piggott says in the very last sentence? "It was his  
5 misfortune that as an exponent of this mentality and  
6 of his country's policies and destiny his hyperbole  
7 assumed an importance greater than the hard facts  
8 beneath in the ears of foreign listeners."

9 Can we let General PIGGOTT or any other per-  
10 son say General ARAKI said it all right, but he did  
11 not mean it?

12 MR. COMYNS CARR: In many of the other  
13 answers, your Honor, General PIGGOTT states that he  
14 was not there at the relevant times and has no know-  
15 ledge.  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



1 MR. McMANUS: If the Tribunal pleases, in  
2 reply to the prosecution's objection, I would like to call  
3 to the attention of the Tribunal that many months ago  
4 one of my colleagues, Mr. Furness, visited England with  
5 this questionnaire. When he returned with the replies  
6 the documents were immediately processed and served upon  
7 the prosecution. However, because the General's signa-  
8 ture wasn't on oath it became necessary for me to send  
9 over a copy of the questionnaire, together with the  
10 replies he submitted, and asked him to have them so  
11 made upon oath, which he did, and I inform the Tribu-  
12 nal that the original document and signature of General  
13 Piggott under oath is contained in the court box at  
14 this time.

15 I further point out to the Court that mostly  
16 all these questions pertain to facts, General Piggott  
17 having been associated for a long time with General  
18 ARAKI. I will, however, admit to the Tribunal that in  
19 paragraph 7 those questions were put to General Piggott  
20 with the understanding I could have a character witness  
21 in General Piggott. However, that was before I became  
22 aware of the Court's ruling as to character witnesses.

23 These questions would be permissible in our  
24 courts, if the Tribunal pleases, but I shall omit them  
25 from the document, or reading the document, if the

1 Court accepts the defense document.

2 I further maintain that some of these ques-  
3 tions do not denote the opinion of General Piggott.  
4 However, because of the difficulty or inconvenience  
5 of bringing the General here I requested the Tribunal  
6 to submit these questions; and as I recollect, your  
7 Honor indicated that if they were under oath the  
8 Tribunal would be inclined to accept them. However --

9 THE PRESIDENT: Stop there. All I said is  
10 recorded, transcribed, circulated among my colleagues,  
11 and no such statement appears; not a word I have said  
12 in chambers but has been recorded and circulated. The  
13 court reporter was present on every occasion, reported  
14 every word as I said it, and what I said was circulated.  
15 without any correction.

16 I refer to that. You will find no such state-  
17 ment in the record as you attribute to me. I have  
18 said undoubtedly that sworn interrogatories would be  
19 as effective as an affidavit. But that is another  
20 matter. As to whether the affidavit would be accepted  
21 would depend upon the attitude of the whole Court.

22 MR. McMANUS: It wasn't my intention, if the  
23 Tribunal pleases, to misinterpret your Honor's remarks.  
24 If I have done so I am sorry. I further did not mean  
25 to take any of your Honor's remarks for granted. But

1 I do contend that these questions are relevant, and I  
2 submit the document to 'he Tribunal for its submission  
3 into evidence.

4 THE PRESIDENT: By a majority the objection  
5 is sustained and the document rejected.

6 Mr. McManus, we have received a further order  
7 of proof, No. 4, today. Are all those documents and  
8 witnesses new or have they appeared in earlier orders  
9 of proof?

10 MR. McMANUS: If the Tribunal pleases, they  
11 have not appeared on earlier orders of proof. However,  
12 I might explain to your Honor that my co-counsel has  
13 been working diligently and he feels as though some  
14 of these documents should be added to our defense, and  
15 he would like to present them, or endeavor to present  
16 them this afternoon.

17 THE PRESIDENT: We have received supplementary  
18 orders of proof containing amendments or additions  
19 within limits, but this is not a document of that kind  
20 within limits. It is unlimited practically. There  
21 are as many new documents as have already been offered.

22 You see, you have had fifteen months, or a  
23 considerable period at all events -- at least the whole  
24 of this year -- to consider what answer you would give.  
25 Do you think we should be left at the mercy of Mr.



1 SUGAWARA's judgment in these matters?

2 MR. McMANUS: If your Honor pleases, Mr.  
3 SUGAWARA is the counsel of record and he is the Chief  
4 Counsel for General ARAKI. I think some consideration  
5 should be given to his opinion as to what additional  
6 evidence he might wish to proffer.

7 THE PRESIDENT: Our experience with Mr.  
8 SUGAWARA in the last day or two has not been a very  
9 happy one. We have wasted a lot of time on documents  
10 that he presented, only to be rejected. What is the  
11 nature of all these new documents?

12 MR. McMANUS: May I have Mr. SUGAWARA explain  
13 to the Tribunal?

14 THE PRESIDENT: I prefer you to do it. You  
15 would probably take less time about it and do it more  
16 effectively.

17 MR. McMANUS: If your Honor pleases, I am not  
18 familiar with all of them, but I can say that some of  
19 them are records from the various sessions of the Diet,  
20 I believe. If your Honor will give me just a moment  
21 to discuss with Mr. SUGAWARA the general nature of those  
22 I am not familiar with, I would appreciate it. May  
23 I have the Court's indulgence for just a few moments?  
24

25 THE PRESIDENT: You may, Mr. McManus.

G  
r  
e  
e  
n  
b  
e  
r  
g  
&  
B  
a  
r  
t  
o  
n

1 MR. McMANUS: If the Tribunal pleases, I  
2 understand that a number of them are similar to the  
3 documents which already have been submitted. How-  
4 ever, we thought they might add to the weight of  
5 the evidence for the defense, and that is why they  
6 have been submitted on this order of proof. These  
7 are not new documents, if the Court pleases. We  
8 have been working on them; Mr. SUGAWARA and my  
9 other colleagues have been working on them; but it  
10 took a little time to have them translated, although  
11 I'm not complaining about the translation. But we  
12 had so many other documents that it was difficult  
13 to prepare them in a running order of proof at one  
14 time. However, I will say to the Tribunal that  
15 they are similar to the documents that have already  
16 been presented, but we are offering them for your  
17 Honor to consider the weight of the defense docu-  
18 ments that are going in.

19 THE PRESIDENT: Mr. Comyns Carr.

20 MR. COMYNS CARR: Your Honor, perhaps I can  
21 assist the Tribunal because I have examined all these  
22 documents although none of them were served before  
23 yesterday afternoon and some only in the middle of  
24 this morning. The latter included one witness who  
25 was called just before the adjournment. Among them

1 all I can only find two to which the prosecution  
2 would not take vehement objection on grounds similar  
3 to those already sustained. One is No. 1819, which  
4 is the minutes of a Privy Council meeting of the  
5 30th January, 1932, a part of which might, perhaps,  
6 be considered relevant. And the other is No. 2281  
7 which is a document purporting to show that the  
8 decision to make attendance at the Youth Schools  
9 compulsory was taken originally not when ARAKI was  
10 Education Minister but when KIDO was Education  
11 Minister. The prosecution would not wish to inter-  
12 fere with the private dispute between them on this  
13 point.

14 THE PRESIDENT: Mr. McManus, perhaps you  
15 had better go through this list again and make sure  
16 of not presenting matters that have already been  
17 rejected except for record purposes.

18 MR. McMANUS: If your Honor please, may  
19 I proceed with the presentation of my other docu-  
20 ments on the third order of proof; and then, if the  
21 Court will permit me five minutes to go over the  
22 documents with Mr. SUGAWARA, I am sure that I can  
23 comply with your Honor's wishes.

24 THE PRESIDENT: List those documents which  
25 are similar to those rejected. We must rely on your



1 good judgment up to a certain point, Mr. McManus,  
2 and we do so. Proceed with your own order.

3 MR. McMANUS: I understand that your Honor  
4 has rejected defense document 573 and the replies  
5 thereto, defense document 340, is that correct,  
6 your Honor?

7 THE PRESIDENT: That was the last decision  
8 we gave.

9 MR. McMANUS: For record purposes, if your  
10 Honor pleases, I have a similar document which I  
11 would like to submit for the record purposes; and  
12 this questionnaire, 573, was also submitted to  
13 Captain M. D. Kennedy, a British Army Language  
14 Officer in Japan, 1917-1920, and Reuters Correspond-  
15 ent in Japan, 1925-1934, to which he also submitted  
16 replies, and that is defense documents 573, 339 and  
17 356 which I tender as one exhibit for the purposes  
18 of the record.

19 THE PRESIDENT: Mr. Brown.

20 MR. BROWN: The prosecution objects, your  
21 Honor.

22 THE PRESIDENT: Objection sustained and  
23 documents rejected.

24 MR. McMANUS: I would also like to submit  
25 for the purposes of the record at this time defense

1 document 638 which is a copy of a letter dated  
2 December 30, 1946 to Mr. Furness from Francis O.  
3 Lindley, and I tender this document also for  
4 purposes of the record.

5 THE PRESIDENT: Mr. Brown.

6 MR. BROWN: The prosecution objects, your  
7 Honor.

8 THE PRESIDENT: Objection upheld and docu-  
9 ment rejected.

10 MR. McMANUS: If your Honor pleases, that  
11 completes my third order of proof. In order to  
12 comply with your Honor's request, I ask for just  
13 five minutes to discuss this fourth order of proof  
14 with my co-counsel so that we might determine what  
15 documents come in the same category as your Honor  
16 has already rejected.

17 THE PRESIDENT: There are two documents  
18 to which the prosecution do not intend to offer very  
19 strenuous objection. I think that is the expression  
20 they used. Why not tender those now, Mr. McManus?

21 MR. McMANUS: Mr. SUGAWARA had intended to  
22 tender them. May I request that he be permitted to  
23 do so, your Honor?

24 THE PRESIDENT: Yes, he may.

25 MR. SUGAWARA.

1 MR. SUGAWARA: May I be permitted to state  
2 a word in connection with order No. 4 -- order of  
3 proof No. 4?

4 THE PRESIDENT: No, we do not want to hear  
5 you at this stage. Just tender those two documents,  
6 defense documents 1819 and 2281 if you intend to do  
7 so.

8 MR. SUGAWARA: Omitting the first part of  
9 this document, I shall read from --

10 THE PRESIDENT: Wait a minute. You have  
11 not tendered them yet. I have invited you to do  
12 so. We will take it as tendered. Is there any  
13 objection?

14 MR. COMYNS CARR: Only to part of it,  
15 your Honor.

16 THE PRESIDENT: It is defense document 1819.  
17 Mr. Comyns Carr.

18 MR. COMYNS CARR: In our submission, the  
19 relevant part of it begins at page 10 in the middle  
20 to the end of the document, which consists of the  
21 accused ARAKI's answers to some very lengthy ques-  
22 tions put by a councillor named ISHII. In our sub-  
23 mission, it is not necessary to read the questions  
24 because their nature sufficiently appears from the  
25 answers. Beginning with the words on page 10, the



1 middle, "No. 11 (ARAKI)."

2 MR. SUGAWARA: I think it is hardly pos-  
3 sible to understand the answer without first reading  
4 the questions. This is the first Privy Council meet-  
5 ing held after ARAKI became War Minister subsequent  
6 to the outbreak of the Manchurian Incident. This  
7 document shows in great detail exactly on what de-  
8 cisions were based Japan's actions during the Man-  
9 churian Incident and the Shanghai Affair -- upon  
10 what resolutions instead of decisions.

11 THE PRESIDENT: Well, from a glance at  
12 the answer that the accused ARAKI is supposed to  
13 have given, I do not see any need to refer to the  
14 questions or to the matter preceding.

15 MR. SUGAWARA: After ARAKI's answer we find  
16 the answer of Foreign Minister YOSHIZAWA, also.  
17 ARAKI states that in regard to diplomatic matters,  
18 he had left everything up to the Foreign Office  
19 authorities. I believe that the reply made by  
20 Foreign Minister YOSHIZAWA before this Privy Council  
21 meeting represents the opinion of the Foreign Office  
22 at the time and will be of value to the Tribunal  
23 in connection with ARAKI's own affidavit.

24 THE PRESIDENT: That includes the parts not  
25 objected to. I understand the objection is not to

1 anything after page 10. You can read from the middle  
2 of page 10 to the end.

3 I have to take a decision of my colleagues  
4 at this time. They may not agree with what I am  
5 suggesting.

6 By a majority, the objection is sustained  
7 and the document rejected except to the extent indi-  
8 cated, that is, from the middle of page 10 to the  
9 end of the document, beginning with the words,  
10 "No. 11 (ARAKI)."

11 CLERK OF THE COURT: Defense document No.  
12 1819 will receive exhibit No. 3174.

13 (Whereupon, the document above re-  
14 ferred to was marked defense exhibit No.  
15 3174 and received in evidence.)

16 MR. SUGAWARA: I shall commence my reading:  
17  
18  
19  
20  
21  
22  
23  
24  
25

(Reading) "No. 11 (ARAKI):

I will answer your question as regards the actions of the army. In the declaration of the Commander of the Kwantung Army made at the beginning of the Manchurian Incident, there was a portion stating that Japan would turn Manchuria into a Land of Bounty. In view of the circumstances prevailing at the time, this statement was made as a means to calm the population. It would therefore be improper to conclude that it defines the objectives of the army. However, I have sent a warning for the future to the Commander of the Kwantung army. The cause of the Manchurian Incident is primarily due to Chang Hsueh-liang's inability to maintain friendly relations with the Japanese forces. Therefore, the action of the Imperial army must naturally extend to the limits to which Chang formerly exercised his influence. As to the action of the army, there are rumors that the front line forces are not submitting to any control and are acting at their own discretion. However, once we have resorted to measures of self-protection, we are obliged to take the initiative in order to attain our objectives and maintain the prestige of the Imperial forces. In the course of such action, there may be acts which give the impression of being excess-



1 sive, but I beg you will give your most sympathetic  
2 consideration to tactical acts related to the opera-  
3 tional command. As to relations with the diplomatic  
4 authority, these are most amicable and smooth.

5 "No. 16. (YOSHIZAWA): I shall explain the  
6 contents of the budget requested by the Foreign Of-  
7 fice. Although the total amount of our requests is  
8 3,030,000 Yen, necessary expenses have been met twice,  
9 in November and in December of last year, by expendi-  
10 ture from the second reserve fund. The amounts re-  
11 quested this time include: (1) police expenses in  
12 Manchuria, including the wages, etc. of the police  
13 force; (2) relief expenses to provide for food, ship  
14 transportation, etc. for Japanese nationals who have  
15 taken refuge in our consulates in South China; (3)  
16 telegraphic communication expenses needed for classi-  
17 fication of the incident to the League of Nations and  
18 governments concerned, and (4) secret funds and mis-  
19 cellaneous expenses; all these expenses are required  
20 in connection with the Manchurian Incident.

21 "My conviction is that the first objective  
22 of our action in Manchuria is the maintenance of peace  
23 and tranquility, this being our fundamental policy  
24 toward Manchuria. Of course, it is very difficult to  
25 maintain perfect order over such an extensive banditry-

1 ridden land, where even the ordinary people often  
2 turn bandits. But, in my opinion, the peace of that  
3 region is an absolute necessity to our Empire. Our  
4 second objective is the protection of our rights and  
5 interests. In this connection, it is also necessary  
6 to bear in mind the history of Manchuria. The action  
7 of our government in the past has been based on this  
8 principle, and that will also hold true in future.

9 "As to the views of the Cabinet concerning  
10 the action of a new government, this matter originated  
11 among the Chinese themselves in Manchuria. It is  
12 natural that it is of deep concern to Japan and there-  
13 fore we are carefully considering our policy regarding  
14 in this matter.

15 "Next, to say a few words concerning the scope  
16 and extent of Japan's action, I should like to state  
17 that in the past there was a secret Russo-Japanese  
18 agreement, establishing a boundary line to the exer-  
19 cise of influence of both nations, but the said agree-  
20 ment became void as a result of the Russian revolution.  
21 In consequence, we consider that it has no binding  
22 power today. However, as you are all aware, Russia  
23 has great interests in the Far East. As to the dis-  
24 patch of troops in Harbin, this, as the Minister of  
25 war has stated, was done by the Kwantung army as a

1 temporary measure to protect the lives and properties  
2 of the Japanese in North Manchuria, which were endan-  
3 gered by bandits, and I am consider that further steps  
4 should be taken must be decided according to the future  
5 situation. In short, Japan's acts are based on the  
6 maintenance of order and the protection of our rights  
7 and interests in Manchuria. We shall send troops even  
8 to the North Manchuria area whenever Japanese lives and  
9 properties are placed in pressing peril, but we are  
10 giving careful consideration to the relations with  
11 Russia."  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



1           Next I present defense document 2281.  
2           This document is offered to rebut the prosecution  
3           charges that it was ARAKI's responsibility that  
4           compulsory attendance in the Youth Schools was en-  
5           forced.

6           THE PRESIDENT: Admitted on the usual terms.

7           CLERK OF THE COURT: The pamphlet entitled  
8           "Proceedings of the Education Council," being de-  
9           fense document No. 2281, will receive exhibit No.  
10          3175 for identification only; and the excerpt there-  
11          from, bearing the same defense document No. will  
12          receive exhibit No. 3175A.

13                   (Whereupon, document No. 2281  
14          was marked defense exhibit 3175 for identi-  
15          fication; and the excerpt therefrom was  
16          marked defense exhibit 3175A and received  
17          in evidence.)

18          MR. SUGAWARA: I shall commence reading:  
19                   "Excerpt from Proceedings, Education Coun-  
20          cil, 2nd Session.

21                   "Held on 13 Jan. 1938 at the Official Resi-  
22          dence of the Prime Minister.

23                   "Session opened at 1.40 p.m.

24                   "(The list of the attendants omitted)

25                   "Education Minister

1           "(Marquis KIDO, Koichi)

2           "At the conference held on 11th of this  
3   month, the Cabinet decided upon a policy to make  
4   the young men's school a compulsory course of edu-  
5   cation for the young men of this country. Concern-  
6   ing this question, the Temporary Education Committee  
7   organized in 1917 already adopted a report recommend-  
8   ing the Government to take steps as soon as possible  
9   to make a part or all of the supplementary technical  
10   schools a compulsory course in national education.  
11   Recently again in 1935 the Educational Administra-  
12   tion Council, which deliberated on the General Plan  
13   of Young Men's School, adopted in its report to the  
14   Government a side decision for making the young  
15   men's school a compulsory course.

16           "In as much as, however, the young men's  
17   school is an important institution of education, we  
18   expect that the Council will fully discuss all  
19   problems concerning it, such as its organization,  
20   its curriculum, the advisability of young women's  
21   school as compulsory institution, etc. The results  
22   of such discussions will be respected and followed  
23   by the Government."

24           THE PRESIDENT: Well, now, Mr. McManus  
25   and Mr. SUGAWARA, we will adjourn until three

1 o'clock to give you an opportunity to straighten  
2 this matter out. I think you will need it. We  
3 will adjourn until three o'clock.

4 (Whereupon, at 1430, a recess  
5 was taken until 1505, after which the  
6 proceedings were resumed as follows:)



D  
u  
d  
a  
&  
S  
p  
r  
a  
t  
t

1 MARSHAL OF THE COURT: The International  
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. McManus.

4 MR. McMANUS: If the Tribunal pleases, first  
5 I should like to invite the attention of the Tribunal  
6 to exhibit 148, and in this exhibit the first reel of  
7 the film, "Emergency in Japan," was not tendered by  
8 the prosecution. We contend that the whole principle  
9 is not understood unless this part is presented.  
10 Consequently, I offer this document.

11 There are just three other documents, if  
12 the Court pleases, that I think might come under the  
13 ruling of the Tribunal, and I should like to formally  
14 tender them at this time.

15 I tender document 2122, wherein Prince KONOYE  
16 states that the reason why the China Incident was not  
17 immediately settled was because the Generals of the  
18 Kodo Group, the Imperial Way Group, had left the army.

19 MR. COMYNS CARR: The prosecution objects to  
20 this document, your Honor. In the first place, the  
21 book from which it is taken is not one of those which  
22 have already been established as being written by  
23 Prince KONOYE at all, and the certificate in our  
24 submission does not sufficiently establish that that  
25 is his genuine writing, in view of the doubt which

1 has arisen as to the authenticity of a great many  
2 documents attributed to him; but the main objection  
3 is that in any event it is only an opinion of Prince  
4 KONOYE which if he were here to testify to it in  
5 person would not, in our submission, be admissible.  
6 The first part alleges that General ARAKI and a  
7 certain General OBATA were members of what is called  
8 the Kodo Group and were opposed to the Manchurian  
9 Incident and to a number of other matters. If I  
10 recollect aright, General ARAKI has himself denied  
11 that he was a member of this or any other group in  
12 the army, and the statement is obviously inconsistent  
13 with his having held office as War Minister during  
14 the greater part of the incident. The latter part of  
15 it is purely Prince KONOYE's opinion as to the effect  
16 upon the strength of the army in political life of  
17 the fall of ARAKI and MAZAKI.

18 MR. McMANUS: I merely tender the document,  
19 if the Court pleases, for whatever probative value the  
20 Tribunal might give to it.

21 THE PRESIDENT: By a majority the objection  
22 is sustained and the document rejected.

23 MR. McMANUS: I now tender defense document  
24 2544, which is a speech by the then Education Minister  
25 ARAKI in the Diet, wherein he tells his basic policy

1 for education.

2 MR. COLYNS CARR: It is so short that the  
3 Tribunal can read it for themselves, so short that  
4 the Tribunal can read it quicker than I can describe  
5 it, and I submit it is irrelevant.

6 THE PRESIDENT: We always read the whole of  
7 these things, you know.

8 By a majority the objection is sustained and  
9 the document rejected.

10 MR. McMANUS: Concerning the other documents  
11 in order of proof No. 4, if the Court pleases, I  
12 assume that they come under the ruling of the Court  
13 as already rendered, and I suggest that I tender all  
14 these numbers at one time for the record purposes.  
15 If the prosecution at the end of my listing these  
16 documents cares to make a blanket objection why they  
17 may do so.

18 THE PRESIDENT: That is a sensible course,  
19 Mr. McManus.

20 MR. McMANUS: May I list the numbers for  
21 the record, then, if the Court pleases.

22  
23  
24  
25



1 MR. COMYNS CARR: The prosecution agrees with  
2 that course.

3 MR. McMANUS: I tender for record purposes the  
4 following defense document numbers: 2520, 2460, 2278,  
5 2190, 639, 1826, 2124, 2551, 2545, 2457, 2568, 2578,  
6 280, 2549, 2547, 2548, 1827, 2525, 2572, 2462, 2193,  
7 2452, 1949, 1847, 2178, 2194, 2495, 2546, 2458, 1848,  
8 2459, 1885, 298, 2282, 2189, 2123, 2456, 2280, 2281,  
9 2544, and 2493.

10 With one exception, if the Tribunal pleases,  
11 I would like to--

12 THE PRESIDENT: The youth school one was  
13 accepted.

14 MR. McMANUS: Yes. With one exception, if  
15 the Tribunal pleases: I should like to formally tender,  
16 rather than blanket it in this list, 2282, which is a  
17 record of the Shimpeital Incident. Section 6 of Appen-  
18 dix 1 alleges that some of the people were threatened  
19 with assassinations by young officers. This document  
20 will show that ARAKI was the person who was the object  
21 of such assassination.

22 MR. COMYNS CARR: May it please the Tribunal,  
23 with regard to the documents listed, the prosecution  
24 formally objects to them all.

25 With regard to 2282, the certificate shows

1 that it is taken from a book called "Opinions on the  
2 Shimpeitai Case," by an unnamed author, and the only  
3 certification of it is that the book has been in the  
4 possession of one of the Japanese defense counsel for  
5 a number of years. Then, the extract, excerpt, submitted  
6 merely says it is a report by someone unknown on the  
7 Shimpeitai Incident. And in any case, in my submission,  
8 the Tribunal has already ruled that the subject matter  
9 is irrelevant when it rejected the affidavit of a  
10 witness whose name I forget but who deposed to the  
11 same thing yesterday.

12 THE PRESIDENT: Mr. McManus.

13 MR. McMANUS: If your Honor pleases, I tender  
14 it for whatever probative value it has, pointing out  
15 to the Court that it is a record of the court proceed-  
16 ings which was kept by Mr. HAYASHI concerning the  
17 Shimpeitai Incident.

18 THE PRESIDENT: By a majority, the objection  
19 is sustained in respect of each of the documents  
20 mentioned by Mr. McManus, including document 2282.  
21 Accordingly, all such documents are rejected.

22 MR. McMANUS: At this time, if the Tribunal  
23 pleases, this concludes our presentation of the case  
24 on behalf of the defense of General ARAKI.

25 I now present Colonel Warren, if the Court

1 please.

2 If the Tribunal pleases, I understand that I  
3 made the assertion that this concludes our presenta-  
4 tion. However, I assumed that there would be summa-  
5 tions at the end of the case.

6 THE PRESIDENT: We clearly understood you to  
7 refer to your evidence.

8 MR. WARREN: If the Tribunal please, we are  
9 ready to proceed in the presentation of evidence for  
10 General DOHIHARA. However, the opening statement will  
11 be made in this phase of the case by Mr. OHTA.

12 THE MONITOR: Mr. OHTA, we do not seem to  
13 have the English copy of your opening statement.

14 MR. WARREN: Document 2556.

15 Your Honor, it appears for some reason the  
16 opening statement did not appear in my order of proof,  
17 and I am sorry; but I know it has been distributed some  
18 three or four days ago. I do not know how that over-  
19 sight occurred.  
20  
21  
22  
23  
24  
25



W 1 THE PRESIDENT: The Judges haven't copies of  
o 2 this, as far as I am aware. I haven't one.  
l 3

& 3 Well, we will hear you read it, Mr. OHTA, but  
4 you must provide copies, though, as soon as you can.

L 4 Read on.  
e 5

f 6 MR. OHTA: Mr. President and Members of the  
l 7 Tribunal, in presenting the case of the accused  
e 8 DOHIHARA Kenji, we have interrogated many witnesses  
r 9 and examined literally hundreds of documents, but in  
10 the interest of time we have discarded all of our con-  
11 templated evidence, both oral and written, except that  
12 which we feel is absolutely necessary. In accordance  
13 with the policy which we have thus established, we  
14 shall attempt to place our individual defense before  
15 the Tribunal as expeditiously as possible.

16 There has been produced, for the benefit of  
17 the Tribunal, a great deal of information apparently  
18 directed against the accused DOHIHARA. The prosecution  
19 has characterized this information as competent evi-  
20 dence, but a careful analyzation will reveal that it  
21 is, in the main, either rank hearsay or an attempt to  
22 prove facts by innuendo, and in the opinion of counsel  
23 need not be answered. Consequently, we have limited  
24 ourselves to rebuttal evidence and such other explan-  
25 atory evidence as we feel will be of most benefit to

1 the Tribunal.

2 Evidence concerning the so-called Mukden  
3 Army Special Service Organ, which was headed by General  
4 DOHIHARA, was introduced in such a manner as to leave  
5 the impression that this organization was a far flung  
6 network, at all times engaged in nefarious and under-  
7 handed practices. In order to meet this highly con-  
8 jectural evidence, we will offer the affidavit of one  
9 AIZAWA Makamoto, who will testify that he was employed  
10 as a civilian in this organization from December, 1933,  
11 until March 1936, and that the accused DOHIHARA was his  
12 immediate superior. His testimony will disclose that  
13 in truth and in fact the Mukden Special Service Organ  
14 had only four clerks, of which he was one. He will  
15 outline in general the operations of that organ, and  
16 will describe its actual functions.

17 The prosecution has introduced evidence in-  
18 tending to show that General DOHIHARA was not only  
19 opposed to the Chinese people as such, but that he  
20 actively instigated incidents for the purpose of  
21 bringing about a clash of arms between the Chinese  
22 and Japanese nations. In support of this theory the  
23 prosecution produced one General Ching Teh-Chun, who  
24 testified, in substance, that he had held a conver-  
25 sation with a certain SHIBAYAMA in Chung-Shan Park in

1 Peking; that this SHIBAYAMA told him: "DOHIHARA is  
2 about to go to Manchuria to embark on some big pro-  
3 ject." This conversation is alleged to have taken  
4 place just prior to the Mukden Incident. We shall  
5 produce and offer to the Tribunal, by affidavit, the  
6 testimony of a witness by the name of SHIBAYAMA. He  
7 will testify, among other things, that after General  
8 Ching testified, he called the witness SHIBAYAMA and  
9 informed him that he had used his name before the Tri-  
10 bunal. Furthermore he informed him in what connection  
11 he name had been used. This witness, if permitted to  
12 testify, will deny that he ever had any such conver-  
13 sation with General Ching at any time; that, as a  
14 matter of fact, prior to 9 September 1931 he was in  
15 Tokyo in connection with the murder of one Captain  
16 NAKAMURA Shintaro and that while there General  
17 DOHIHARA was also in Tokyo making his report on the  
18 same case, and that it would have been quite impos-  
19 sible for him to have had any conversation with  
20 General Ching at the time General Ching testified the  
21 conversation took place.

22 In a further attempt to tie General DOHIHARA  
23 into other activities in Manchuria, evidence was intro-  
24 duced in the form of several telegrams which originated  
25 with one KUWAJIMA Kazue, who was the then Consul



1 General at Tientsin. On first examination, these  
2 telegrams apparently recite facts. The prosecution,  
3 however, did not offer the testimony of KUWAJIMA  
4 Kazue, who prepared and caused to be transmitted the  
5 telegrams in question, but we will offer him as a  
6 witness. We will offer his testimony in order to  
7 show the true character of the evidence contained in  
8 the telegrams in question. If permitted to testify,  
9 KUWAJIMA will state, among other things, that the con-  
10 tents of the telegrams were based upon information  
11 gleaned from such sources as newspaper articles,  
12 rumor; in short, any information from whatever  
13 channels available. He will further state that the  
14 telegrams contained nothing but conclusions which he  
15 had drawn without having any personal knowledge of the  
16 alleged facts. This testimony will be offered to  
17 show to the Tribunal that if the evidence in question  
18 had been offered by the prosecution in any other form,  
19 it could have been, and no doubt would have been,  
20 rejected on any of several grounds. In order to sub-  
21 stantiate the testimony of the witness KUWAJIMA we  
22 will make brief reference to prosecution's exhibit  
23 245, which is the affidavit of one MORISHIMA Morito,  
24 a prosecution witness who was an Assistant Consul  
25 General. He states, concerning the transmission of

1 such information as was contained in the telegrams  
2 introduced by the prosecution, that it was the duty  
3 of the Consulate officials to draw conclusions and to  
4 transmit them to the Foreign Office.

5 There is a great deal of evidence concerning  
6 alleged atrocities committed against the Chinese by  
7 Japanese forces, and while there is none directly  
8 attributed to the forces of the accused DOHIHARA, the  
9 inference is strong and it appears, by innuendo only,  
10 that the accused DOHIHARA was responsible for some of  
11 the acts. We will offer the testimony of several  
12 witnesses who were officers with General DOHIHARA in  
13 the field, and we will offer the personal testimony  
14 of at least one newspaper correspondent who was in the  
15 field with him and who had an opportunity to observe  
16 his actions, listen to his counsel, and to inspect  
17 and become familiar with his orders concerning the  
18 treatment of the Chinese people. This testimony will  
19 show that General DOHIHARA not only did not believe in  
20 armed hostilities between the Japanese and Chinese,  
21 but that he actually deplored the fact that such hos-  
22 tilities were being carried on; that he often caution-  
23 ed and, when necessity arose, reprimanded his subord-  
24 inates with reference to the ill-treatment of the  
25 Chinese people. We will offer a document which was

1 written by the accused DOHIHARA and published in  
2 March, 1937, which will bear out the testimony of  
3 the witnesses as to his attitude and thoughts. This  
4 document will show that not only did he act in accord-  
5 ance with well defined principles, but that he also  
6 wrote about them and used whatever medium was at his  
7 disposal to inform the Japanese people of his thoughts.  
8 Our testimony will show that the Chinese people in the  
9 occupied territory under the command of the accused  
10 DOHIHARA came to trust him and continued in their  
11 occupations peacefully and without interference from  
12 Japanese troops. Evidence of this type will be intro-  
13 duced to show that he acquired and maintained a repu-  
14 tation among the masses of Chinese civilians for fair  
15 play and honest dealings. In this connection we shall  
16 make reference to certain passages in the Lytton Report  
17 and will offer in evidence a verbatim conversation  
18 between Lord Lytton and the accused DOHIHARA, by which  
19 we will prove that Lord Lytton not only knew of his  
20 reputation but also commended him for his ability to  
21 be able to reorganize in a phenomenal period of time  
22 the disrupted city of Mukden.

23 The prosecution introduced evidence to show  
24 that at one time the accused DOHIHARA was Commander  
25 of the Seventh Area Army which had jurisdiction over



1 Malaya, Sumatra, Java, and British Borneo. The reason  
2 for the prosecution's evidence undoubtedly was for the  
3 purpose of attempting to show that the accused DOHI-  
4 HARA was responsible for all atrocities, if any,  
5 which may have occurred in those areas during his  
6 command of the Seventh Area Army. We will offer evi-  
7 dence to prove that the Seventh Area Army was a sub-  
8 ordinate command of the Southern Army, and that the  
9 Southern Army retained under its direct supervision  
10 the control of the prisoner of war camps, and that the  
11 Commander of the Seventh Area Army had nothing what-  
12 soever to do with prisoners of war.

13           There is evidence to show that at one time  
14 General DOHIHARA was the Commanding General of the  
15 Eastern Area Army of Japan. This evidence also was  
16 undoubtedly introduced to show that General DOHIHARA  
17 was responsible for the atrocities, if any, committed  
18 in the area under the command of the Eastern Area  
19 Army. Our testimony will show that the Eastern Army  
20 was in charge of the defense of the Tokyo area and  
21 some adjacent territories. We will produce and offer  
22 as a witness one TATSUMI Yeichi, who will testify  
23 that he was General DOHIHARA's Chief of Staff. He  
24 will also testify about a rather complicated system of  
25 command, which was set up for the purpose of the control

1 and treatment of prisoner of war camps and prisoners  
2 of war in the area under the jurisdiction of the  
3 Eastern Area Army. He will also testify that he  
4 knows of his own personal knowledge that General  
5 DOHIHARA never received a single complaint concern-  
6 ing the mistreatment of prisoners of war during the  
7 time he was the Commanding General of the Eastern  
8 Area Army. He will testify briefly concerning the  
9 policy of General DOHIHARA with reference to the treat-  
10 ment of prisoners of war and General DOHIHARA's act-  
11 ivities concerning them.

12           We will also make brief reference to the  
13 testimony of a prosecution witness who testified con-  
14 cerning a visit of General DOHIHARA to one of the  
15 prisoner of war camps. This reference will be made  
16 in order to show that if there was mistreatment of  
17 prisoners, it was contrary to the orders of General  
18 DOHIHARA, because before his visit the camp commanders  
19 required the camp to be cleaned on several different  
20 occasions in anticipation of General DOHIHARA'S  
21 inspection trips. Our testimony will disclose that  
22 General DOHIHARA did not and could not formulate major  
23 policies concerning prisoners of war, and that the only  
24 policies which he did formulate were with reference to  
25 those of command, administration, and supply.

1 This, in brief, covers the content of our  
 2 expected testimony, and we will now proceed to the  
 3 introduction of our evidence in the individual phase  
 4 concerning General DOHIHARA.

5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25



1 THE PRESIDENT: Colonel Warren.

2 MR. WARREN: If the Tribunal please, at this  
3 time we should like to call as our first witness AIZAWA,  
4 Makoto.

5 - - -

6 M A K O T O A I Z A W A, called as a witness on  
7 behalf of the defense, being first duly sworn,  
8 testified through Japanese interpreters as  
9 follows:

10 DIRECT EXAMINATION

11 BY MR. WARREN:

12 Q Will you state your name and give your present  
13 address to the Tribunal, please?

14 A My name is AIZAWA, Makoto. My present residence  
15 is No. 1 Daimachi, Okasaka, Minato-ku, Tokyo.

16 MR. WARREN: May the witness be handed defense  
17 document No. 2098.

18 (Whereupon, a document was handed to  
19 the witness.)

20 Q Will you look at that document and tell the  
21 Court whether or not that is an affidavit which was  
22 prepared for you and sworn to by you?

23 A This is my affidavit.

24 Q Are the contents of that affidavit true?

25 A They are true.

1 MR. WARREN: At this time we offer in evidence  
2 defense document No. 2098.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Defense document No. 2098  
5 will receive exhibit No. 3176.

6 (Whereupon, the document above re-  
7 ferred to was marked defense exhibit No.  
8 3176 and received in evidence.)

9 MR. WARREN: (Reading)

10 "Having first duly sworn on oath as on attached  
11 sheet in accordance with the procedure followed in my  
12 country, I hereby depose as follows:

13 "I, AIZAWA, Makoto, of lawful age, being first  
14 duly sworn, in accordance with the procedure followed in  
15 my country, desire to make the following statement of  
16 my own free will and accord!"--

17 THE PRESIDENT: Colonel Warren, you have many  
18 affidavits. Do not read those formal parts, it isn't  
19 necessary.

20 MR. WARREN: Thank you, sir.

21 (Reading continued)

22 "From April, 1933, until March, 1936, I was  
23 employed as a civilian by the Mukden Army and was  
24 attached to the Mukden Army Special Service Organ.  
25 During part of my tenure, specifically from December, 1933:

1 until March, 1936, when I resigned, DOHIHARA, Kenji was  
2 the Chief of the Mukden Special Service Organ. During  
3 his tenure of office General DOHIHARA had as his  
4 assistants, in the order named, Majors IMAI, Tokeo;  
5 TAJIMA, Hikotaro; and TANIHAGI, Nakao.

6 "I have been asked if I knew what the original  
7 duties of the organ for which I worked were supposed  
8 to be. I cannot answer this question for the reason that  
9 the specific duties were set forth in instructions issued  
10 to the Chief of the Special Service Organs from the Army  
11 Commander and were given to the Chief of our organ by  
12 the commander of the Kwantung Army and were, in accordance  
13 with the common practice of Armies, considered either  
14 confidential or secret and the information contained in  
15 such orders was not generally disseminated among the  
16 employees, especially civilian employees. Consequently  
17 I, being a civilian employee, have no personal knowledge  
18 of the orders, but I do know generally what they contained  
19 because of the functions we carried out and the duties  
20 we were expected to perform.

21 "Generally the duties were similar to those of  
22 the press section of the Kwantung Army. They consisted  
23 of announcing to the press news from the fronts  
24 communicated to the organ by Japanese troops, which were  
25 in action in various places. For example, the Jehol



1 operation.. There were four clerks, and they were kept  
2 busy for the most part decoding telegrams which con-  
3 tained matters for press releases. My specific duties  
4 were to translate radio broadcasts received from China  
5 and to assist in deciphering coded telegrams. After  
6 the end of the Jehol operation; that is, from the time  
7 of the arrival of General DOHIHARA, our duties were  
8 somewhat modified. This came about because the supply  
9 of news to the press which constituted the bulk of our  
10 work had been curtailed at that time. Our duties con-  
11 sisted of collection of information, issuance of press  
12 releases. We were mainly concerned in those days with  
13 the collection of information regarding political move-  
14 ments and the state of the public peace in Fengtien,  
15 Jehol Provinces and Inner Mongolia."

16 I think on your copy the word "peace" has been  
17 omitted, sir.

18 "The Mukden Special Service Organ had a branch  
19 in Dairen, which gathered information from China sources,  
20 useful for reference in our relations with Manchukuo  
21 and with the progress of Manchukuo. It compiled in-  
22 formation concerning movements of the Japanese in  
23 Manchukuo and especially in the South Manchurian Rail-  
24 road circles. The reason for our supervision and guidance  
25 of persons of Japanese extract who were in the employ

1 of the Manchukuo Government was to see that they did not  
2 act overbearingly or go to extremes in their conduct,  
3 which they were sometimes inclined to do. We compiled  
4 and kept a very complete list of the personal conduct  
5 of the principal Japanese officials who thus fell under  
6 the jurisdiction of the Mukden Special Service Organ.  
7 General DOHIHARA was always insistent that such persons  
8 conduct themselves properly. While the officials of the  
9 South Manchurian Railroad were not employees specifically  
10 of the Manchurian Government, it was, nevertheless, very  
11 necessary to check their actions and to keep them within  
12 the strict limits of their official activities with the  
13 railroad and not permit any interference with the inner  
14 political situation in Manchukuo.

15 "I have been asked if the Special Service Organ,  
16 of which I was an employee, as previously stated, had  
17 anything to do with matters relating to opium. I have  
18 already related the activities of the Organ and I can  
19 definitely state that at no time while I was connected  
20 with the Organ, or while General DOHIHARA was connected  
21 with the Organ, did it ever have anything at any time  
22 to do with opium. Of this I am positive.

23 "I have not been asked this question, but I  
24 should like to state that the Special Service Organ  
25 was not a large organization, as I know many people

1 believe. It consisted only of the head of the organ-  
2 ization, his assistant and four clerks, of which I was  
3 one. I therefore know of my own personal knowledge  
4 everything that went on within the Organ. This was  
5 possible because of its small size."

6 The prosecution may cross-examine.

7 THE PRESIDENT: Judge Nyi.

8 CROSS-EXAMINATION

9 BY JUDGE NYI:

10 Q Mr. Witness, on page two near the top of your  
11 affidavit, you stated that you, as a civilian employee,  
12 could not tell what the duties of the Special Service  
13 Organ were with which you worked from 1933 to 1936; but  
14 you did describe certain functions of the Organ.

15 Am I to understand that what you know about the  
16 functions of the Organ is limited to the nature of the  
17 work that was assigned to you during that period?

18 A I described in my affidavit not simply the  
19 work assigned to myself personally, but the general  
20 functions of the Mukden Special Service Detachment --  
21 Organ.

22 Q In your affidavit, you made a distinction  
23 between the orders that came from the Army Commander  
24 and the contents of the orders. You knew the contents  
25 of the orders by the work to which you were assigned.



1           How could you know the orders themselves if  
2 the work was not assigned to yourself?

3           A   I do not state that I knew the contents of the  
4 orders. As I stated, the general duties of the Special  
5 Service Organ was set forth in instructions given to  
6 the Chief of the Special Service Organ from the Army  
7 Commander. The Chief of our Organ and his assistants  
8 saw these instructions, but we civilian employees did  
9 not. However, I was able to state what the general  
10 functions of the Organ were because, as we employees  
11 continued to work in this Organ, it gradually became  
12 clear to us what the general functions of this Organ  
13 were.

14           THE PRESIDENT: We will adjourn until half-  
15 past nine tomorrow morning.

16                   (Whereupon, at 1600, an adjournment  
17 was taken until Wednesday, 17 September 1947,  
18 at 0930.)

19                   - - -  
20  
21  
22  
23  
24  
25